

Hearing Date: April 20, 2022
Opposition Date: March 15, 2022
Reply Date: March 31, 2022

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 15 Case
FAIRFIELD SENTRY LIMITED, *et al.* : Case No. 10-13164 (CGM)
Debtors in Foreign Proceedings. : Jointly Administered
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FAIRFIELD SENTRY LIMITED, *et al.* : Adv. Proc. No. 10-03496 (CGM)
(In Liquidation), acting by and through
the Foreign Representatives thereof, :
Plaintiffs, : Administratively Consolidated
- against - :
THEODOOR GGC AMSTERDAM, *et al.* :
Defendants. :
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FAIRFIELD SENTRY LIMITED (IN :
LIQUIDATION), FAIRFIELD SIGMA :
LIMITED (IN LIQUIDATION), acting by :
and through the Foreign Representatives :
thereof, and KENNETH KRYS and :
GREIG MITCHELL, solely in their :
capacities as Foreign Representatives :
and Liquidators thereof, :
Plaintiffs, :
- against - :
HSBC SECURITIES SERVICES :
(LUXEMBOURG) SA, *et al.* :
Defendants. :
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**NOTICE OF MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 12(b)(2)**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law of Defendant Private-Space Ltd. ("PSL") in Support of Its Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(2), and the Declaration of Lucio Bergamasco, dated October 29, 2021 (the "Declaration"), and the exhibit appended to the Declaration, defendant PSL will move this Court for an order (a) dismissing with prejudice the complaint filed by the Liquidators of Fairfield Sentry Limited and Fairfield Sigma Limited in the above-captioned Adversary Proceeding No. 10-03630 (CGM) as against Private-Space Ltd. pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure, on the ground that the Court lacks jurisdiction over the person of PSL, and (b) granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, defendant PSL does not consent to entry of final orders or judgment by this Court.

Dated: New York, New York
October 29, 2021

Respectfully submitted,

GILMARTIN, POSTER & SHAFTO LLP

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